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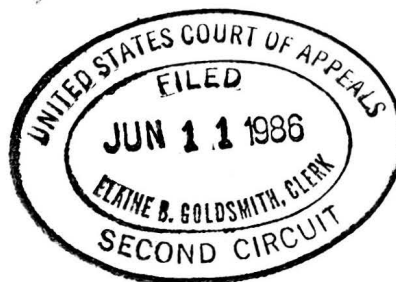
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June 11, 1986

VIA HAND DELIVERY

Ms. Elaine B. Goldsmith
Clerk of the Court
United States Court of Appeals
for the Second Circuit
Room 1705
United States Courthouse
Foley Square
New York, New York 10007



Re: Universal City Studios, Inc. v.
Nintendo Co., Ltd., Docket Nos.
86-7077, 7099, Calendar Nos. 1221,
1335 (to be argued June 16, 1986)

Dear Ms. Goldsmith:

We have received a copy of a June 10, 1986 letter sent to you on behalf of the appellant-cross appellee, Universal City Studios, Inc. ("Universal"), forwarding a recent district court decision to the Court in this matter. We note that Universal's letter is in flagrant disregard of the terms of Rule 28(j) of the Federal Rules of Appellate Procedure which prohibits supplemental arguments in the course of bringing recent decisions to the Court's attention. In accordance with the Rules of Appellate Procedure, we will not join argument in this response. We do note in accordance with the Rules, that, in our view, the decision in Silverman v. CBS, Inc., 84 Civ. 1894 (S.D.N.Y. April 14, 1986) (GLG) is wholly inapposite to any issue presented in this appeal. Among other things, in Silverman there was no division of the property between competing owners and there was no testimony or other evidence, as in this case, that the plaintiff had explicitly concluded immediately before bringing

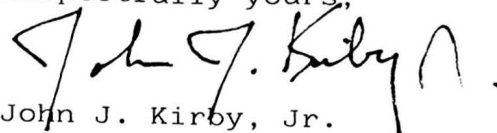
Ms. Elaine B. Goldsmith

-2-

June 11, 1986

its lawsuit that it had no rights in King Kong to license. Should the Court have further questions based on the Silverman decision, we will, of course, be ready to respond in oral argument. Copies of our letter are enclosed for the panel's reference.

Respectfully yours,



John J. Kirby, Jr.

JJK:tnr
Enclosures

cc: Michael W. Schwartz, Esq.

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